IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGNAL SIDE JURISDICTION

Arbitration Application No.200 of 2006

Houshmand K Sharyari .. Applicant
vs
Memucher Hormazdia Jamsheedian
@ Memucher and anr .. Respondents

Mr R.M. Vasudeo for the applicant.
Mr Jose George i/b Mr. Raj Baid for respondent.

CORAM: SWATANTER KUMAR,C.J.

DATE: APRIL 20, 2007.

P.C.:-

This is a petition under section 11 of the Arbitration and Conciliation Act, 1996, hereinafter referred to as "the Act", filed by the applicant seeking appointment of the third arbitrator in terms of the arbitration clause and the provisions of the Act.

2. It is commonly conceded by the learned counsel for the parties that each of the parties have appointed/nominated their respective arbitrator i.e. Mr. A.K. Shende on behalf of the applicant and Justice Smt K.K. Baam(retired) on behalf of the respondents. However, both of them, despite due request from the parties could not agree to the appointment of the third arbitrator. It is not necessary for this court to venture upon the attribution of the default of the parties or the arbitrators within

the limited scope of this petition. Suffice it to note that the parties have jointly prayed the court for making appointment of the third arbitrator. With their consent Justice Shri A.V. Savant, former Chief Justice of Kerala High Court as the third arbitrator. The third arbitrator may enter upon the reference and complete the arbitration proceedings expeditiously.

Application is made absolute, leaving the parties to bear their own costs.

Parties as well as the Prothonotary and Senior Master to communicate this order to the third arbitrator.

CHIEF JUSTICE